

ROCHESTER BOARD OF EDUCATION
Policy Review and Development Committee Meeting

October 17, 2017

MINUTES

Attendance

Commissioners – Commissioner Powell (Chair); Commissioners Adams and White (arrived 6:11PM and left at 7:31PM).

District Staff – Steve Carling, Deputy General Counsel; Robin Hooper, Executive Director of Early Childhood Education; Andrew MacGowan, Project Administrator; Elizabeth Reyes, Associate Director of the Families in Transition Program and RCSD McKinney-Vento Coordinator

Community Members: Iman Abid, representative from the ACLU

Board Staff – Debra Flanagan

Commissioner Powell called the meeting to order at 6:02PM.

I. Review Minutes of the August 15, 2017 Policy Committee Meeting

Motion by Commissioner Adams to approve the minutes of the August 15, 2017 Policy Committee meeting. **Adopted 2-0.**

II. Discuss Proposed *Educational Technology* Policy and Student Privacy Concerns

Iman Abid handed out a sample policy from the ACLU entitled, *Student Internet and Computer Use*. She stated that while she certainly supports allowing students to take District-issued electronic devices home, this practice raises concerns about protecting student privacy and District monitoring of data or websites that students may have accessed.

Ms. Abid emphasized the importance of the policy clarifying the methods used by the District to monitor students' use of District technology, the ways in which this information will be used, and the specific parties with whom it will be shared. She discussed the need for due process protections for students who are alleged to have violated District policies through their use of District-issued electronic devices, and for considering the response to these alleged violations. Ms. Abid also stressed the importance of defining "emergency situations" in which due process procedures would be waived, authorizing school staff or law enforcement to conduct an immediate search of the information that a student accessed on the device.

For any review of a student's use of a District-issued electronic device, Ms. Abid recommended that the District maintain a record of the date/time, the rationale for conducting the review, specific circumstances, with whom the information was shared, and the outcome of the review.

Commissioner Powell pointed out that there must be a basis for conducting a search, and asked about examples that would constitute an “emergency” under the ACLU sample policy. Ms. Abid replied that emergencies are defined in the sample policy as “an immediate threat to life or safety”, and a student’s efforts to circumvent the RCSD firewall would provide grounds for the District to confiscate the device. She added that recordkeeping of searches of students’ online activities is an important internal control to ensure that this authority is used appropriately.

Commissioner Adams noted that any policy addressing review/search of students’ use of District-issued electronic devices has to be consistent with other existing District policies regarding student searches, privacy protections and due process.

Steve Carling discussed the existing *Acceptable Use of the District Network* policy (1950) and *Internet* policy (4526), which also address students’ use of District technology. He explained that federal statute requires school districts to establish technological controls to prevent students from accessing material that is obscene or offensive. RCSD uses Lightspeed technology to create a firewall on electronic devices issued to students to prevent them from accessing websites with obscene or offensive material when outside of the District network. The District also issues email accounts to students, and uses Gaggle software to monitor language related to violence, sex, and bullying in students’ chats over the District network. Mr. Carling explained that when a key word is found by Gaggle, an alert is automatically sent to the school principal, along with an excerpt of the conversation. The principal then contacts the student to discuss the situation. Mr. Carling reported that there have been more than a few instances in which students were using social media to plan to instigate a fight or beat up another student, and the use of Gaggle technology enabled staff to intervene to prevent these situations from occurring.

Commissioner Adams questioned why students would use the District’s technology or network in this way when they are being monitored. Mr. Carling responded that the students may not have known that their use of technology was being monitored, or may have thought that the District was not paying attention.

Commissioner Adams asserted that students must be informed that their use of District-issued technology and network are being monitored.

Ms. Abid inquired about the way the District handles situations regarding student violations and notifying students when their use of technology has allegedly violated the rules. Mr. Carling replied that alleged violations would be referred to the school principal, who would discuss the situation with the student and notify their parents. He reported that he has seen relatively minor offenses addressed through restorative practices (e.g. 6th grade girls picking on a particular student). Mr. Carling noted that more serious offenses that could potentially lead to suspension would involve due process procedures, and the student’s online conversation would be one piece of evidence in a suspension hearing.

Commissioner Adams asked whether the District is issuing Chromebooks to students to take home at this point. Mr. Carling responded that Chromebooks were issued to approximately 70 students who are taking classes at Monroe Community College this year, and Lightspeed was manually installed on these devices to create a firewall to prevent students from accessing obscene or offensive content. He explained that this was required because the Chromebooks were purchased with federal funding.

Ms. Abid inquired whether the District is collecting data regarding the information accessed by students with Chromebooks. She also asked how this data is being used and stored by the District. Mr. Carling replied that Lightspeed is a firewall to block access to certain websites, but is not used for monitoring students' use of Chromebooks.

Action Item: The sample ACLU *Student Internet and Computer Use* policy will be submitted for review by General Counsel, Karl Kristoff. In addition, Board staff will obtain similar sample policies from the New York State School Boards Association (NYSSBA) and submit these to General Counsel for review.

III. Discuss Proposed Revision of *Education of Homeless Students* Policy (5110)

Elizabeth Reyes reported meeting last week with Board staff member Debra Flanagan to conduct an extensive review of the draft revisions to the *Education of Homeless Students* policy (5110). The updated draft was submitted to Jennifer Pringle, an attorney with EngageNY, and to Melanie Faby, New York State McKinney-Vento Coordinator.

Ms. Reyes stated that the District's practices have been in compliance with the legal changes to the federal McKinney-Vento Act and Every Student Succeeds Act (ESSA). She reviewed each of the policy revisions required by changes to federal law, specifically:

1. Including preschool and feeder schools in the definition of "school of origin" to ensure that homeless children are able to be placed in a school in the same manner as other children in the school district, and to provide continuity in their education.
2. Rather than having parents, guardians, or unaccompanied youth designate a "school district of attendance", school districts must now determine the designation that is in the best interest of the child. This determination is to be based on student-centered factors, such as the impact of mobility on the health, safety, education, or achievement of the child. While the school district is to assume that the "school of origin" is in the child's best interest, this can be overruled if the parent, guardian or unaccompanied youth requests a different placement.

In addition, school districts are to consider placing siblings together in school when determining the best interest of the child.

3. Children awaiting foster care placement are no longer considered "homeless" and are not eligible for McKinney-Vento services. Instead, these children are covered under Fostering Connections and RCSD has designated a contact person with foster care.
4. School districts must immediately enroll homeless children, even if application or enrollment deadlines have elapsed. If the application deadline has passed but the lottery has not yet been held, the homeless child will be entered into the lottery for school placement. If the lottery has already been held, the child is to be placed on the waitlist for the school.

Districts must also provide homeless students the same services given to other students, based on eligibility criteria (e.g. programs for students with disabilities, English-language learners, career

and technical education, before- and after-school programs, nutrition programs, and transportation).

5. In the event of a dispute about a homeless student's eligibility, school selection, or enrollment, the student's enrollment in their school of preference is to be continued and transportation provided pending the final resolution of the dispute – including all appeals.
6. School districts must remove barriers that prevent homeless youth from receiving full or partial credit for coursework completed while attending a previous school. Students should be given opportunities to make up work that was missed due to absences arising from their homelessness.
7. Homeless students are to be given the same access to academic and extracurricular activities as all other District students, including magnet schools, summer school, career and technical education, advanced placement courses, online learning and charter schools.
8. School districts are required to revise policies to remove barriers to identifying, enrolling and retaining homeless children, including barriers resulting from outstanding fees, fines or absences.
9. The school district must provide transportation to homeless students for the remainder of the school year in which they obtain permanent housing. If the student is to enter the terminal grade in the school in the subsequent year, transportation must also be provided for that school year.
10. Homeless students must be given assistance from counselors to improve their readiness for college.
11. Information about a homeless student's living situation is considered a confidential part of their record, and is not subject to disclosure as student directory information.
12. The responsibilities of McKinney-Vento liaisons have been expanded to include:
 - a. Connecting homeless young children to early child care and education programs, such as Head Start or early intervention programs;
 - b. Referring homeless children and families to housing services, health care, dental, mental health and other appropriate services;
 - c. Posting public notice of the educational rights of homeless children in a format and language that is readily comprehensible;
 - d. Training District staff regarding the provisions of the McKinney-Vento Act; and
 - e. Ensuring that unaccompanied youth are enrolled in school, informed of their emancipated status, and receive verification of their status for federal student aid applications (FAFSA).
13. McKinney-Vento liaisons who have received training from the federal Housing and Urban Development Department may affirm eligibility for students and their families for homeless assistance programs.
14. School districts are also required to coordinate special education services for homeless students who are also covered under the Individuals with Disabilities Education Act (IDEA). Ms. Reyes

reported that the District tries to maintain stability and continuity in the services provided to these students as much as possible.

15. Districts are also required to gather and provide data to the NYS Education Department regarding students experiencing homelessness.

16. School districts must also revise policies that create barriers to identifying children and youth experiencing homelessness, particularly those not currently attending school.

Ms. Reyes asserted that centralizing registration and student placement processes has improved the District's ability to identify children and youth experiencing homelessness. She reported that the number of homeless students has increased steadily and significantly over the last few years, with a total of 2600 in the 2016-17 school year and 1300 to date for the 2017-18 school year (as of October 1, 2017).

Ms. Reyes described significant training efforts to raise awareness and understanding of homelessness among RCSD staff and community members. She pointed out that the problem in Rochester at this point is not so much in identifying children who are homeless, but in preventing homelessness in the community.

Commissioner White stated that he received a call recently from a local reporter about a rise in homelessness in Rochester. Ms. Reyes replied that she submits data regarding childhood homelessness in the District to the NYS Education Department on an annual basis, which is the basis for the official figures. She cautioned that these figures do not necessarily reflect the extent of childhood homelessness in Rochester because students attending charter schools, private schools, or BOCES programs are not included. Ms. Reyes added that despite the fact that these students are not included in the official data, the District is required to provide instructional materials, healthcare services, and transportation for them.

Mr. Carling asked whether there have been regular annual increases in the number of students in the District experiencing homelessness. Ms. Reyes replied that she has seen an additional 150-200 students experiencing homelessness each year for the last 4-5 years, which is similar to the trends seen in the Buffalo and Syracuse school districts. She recalled that the District had approximately 900 students experiencing homelessness when she began serving as the McKinney-Vento Coordinator nine years ago. She stated that there was a large increase after enhancing staff training and awareness, but the numbers have continued to climb steadily year over year and have remained at more than 2000 students in the District for the last 4-5 years.

Commissioner Adams questioned whether a stable statistic regarding childhood homelessness could be identified outside of the educational system, using similar criteria over time. She suggested that these figures could be compared to RCSD data in an effort to determine the impact of improved staff training and awareness. Ms. Reyes explained that homelessness is defined much more narrowly outside of the educational realm. She stated that students who are housed temporarily with family members or friends are considered homeless and included in the statistics, but these individuals would not be included in statistics of homelessness outside of the educational system.

Ms. Reyes stated that many families (~60%) have “doubled up” by sharing housing, but this does not fit the federal definition of “homelessness”. She pointed out that the majority of homeless families in the District historically have relied on moving in with other family members (i.e. “doubling up”), sometimes for years until they are able to become self-supporting.

Commissioner White contended that the larger question is the way in which student homelessness is being addressed in the District. Ms. Reyes responded that the staff serving homeless students in the District has expanded in the last couple of years. She stated that a part-time Social Worker and a full-time Clerk were provided in 2016-17, and the Social Worker has become full-time in the current fiscal year. Ms. Reyes reported that the Social Worker provides a great deal of case management for homeless students and families, collaborating with approximately 60 agencies serving this population. She emphasized the need for coordinated efforts in the community and for providing employment with sufficient compensation to enable parents to be self-supporting.

Commissioner Powell commented on the extensive changes proposed to the existing *Education of Homeless Students* policy (5110), and suggested that a clean copy of the proposed policy be reviewed in preparation for the December meeting.

Action Item: Ms. Flanagan will prepare a clean copy of the revisions proposed to the *Education of Homeless Students* policy (5110) for Committee members and General Counsel to review in preparation for the December 7th Policy Committee meeting.

IV. Presentation of Findings from Survey of Parenting Students

Mr. Carling explained that the small number of respondents to the survey of parenting students could easily lead to identifying individual students. To protect their confidentiality, the survey results will have to be discussed in Executive Session.

Motion by Commissioner White to convene in Executive Session (6:52PM). Seconded by Commissioner Adams. **Adopted 3-0.**

Motion by Commissioner Adams to return to the regular Policy Committee meeting from Executive Session (7:09PM). Seconded by Commissioner White. **Adopted 3-0.**

Commissioner Powell summarized the main findings from the survey, acknowledging the small sample size:

- Parenting students largely rely on family members to provide child care;
- The majority of respondents indicated that they would use child care if provided through the Young Mothers’ program or the District;
- The majority of students responding to the survey know the process for applying to the County to obtain child care subsidies, but very few are actually receiving these subsidies.

Since few parenting students actually receive child care subsidies and the majority know how to apply, Commissioner Powell observed that the problem seems to be that the County is rejecting their applications or placing them on a wait list. She stated that the Board should discuss this issue with the

County to clarify practices for awarding child care subsidies and options for meeting the needs of parenting students.

Commissioner Powell also pointed out that family members providing child care are entitled to receive a child care subsidy, but the County may be simply putting these families on a wait list because child care is already being provided.

Commissioner Powell questioned the sufficiency of the evidence to support the Board taking a particular position with regard to the *Day Care* policy (4324.1), which states that child care will be provided at all RCSD secondary schools. She noted that the options are to: 1) Revise the policy to reflect current practice; 2) Require the District to adhere to the current policy; or 3) Find another alternative, such as providing child care to students in the Young Mothers' program.

Commissioner White pointed out that the District currently has a small population of students with children, as indicated in Mr. MacGowan's presentation. Mr. MacGowan stated that the Rochester community reflects national trends, with a 75-80% decline in teen childbirth over the last 20 years. When the *Day Care* policy was adopted twenty years ago, Rochester had one of the highest teen birth rates in the state and 50% of the infants born to teen mothers at St. Mary's Hospital tested positive for cocaine. Mr. MacGowan reported that the District currently has no more than 45-60 students with children.

Commissioner Adams asked about the number of students currently attending the Young Mothers' program. Mr. MacGowan replied that there are typically 5-6 students in the program, and the majority of parenting students attend larger secondary schools because of the wider range of courses offered. He also pointed out that many of these students also have mental health issues. He noted that the landscape has changed dramatically from the time that the policy was adopted, making it difficult to formulate a particular recommendation at this time.

Commissioner Adams stated that there does not seem to be sufficient justification to warrant the administrative costs of the Young Mothers' program at this point. She observed that this program seems to have similar problems to that of the former LyncX program in that the course offerings are too limited and insufficient to meet students' academic needs. The result leads to a handful of students in the program, while the District is paying for a fulltime administrator and teaching staff. Commissioner Adams contended that this situation is unsustainable and unjustifiable given the resource demands in the District.

Commissioner Powell pointed out that the program includes the Interim Health Academy, which serves a population of quite fragile students.

Commissioner Adams asserted that this arrangement reflects the model used in the District, but other models could prove more beneficial in serving these students, such as the University of Rochester Medical Center's mental health in-patient, outpatient, and partial hospitalization programs. She stated that the Medical Center utilizes a continuum of care approach based on expertise and understanding of the particular supports needed at different times by individuals with mental health concerns. Commissioner Adams stated that the District has never tried to tap into this system or the expertise that is already available. She asserted that the District has combined different student populations and

resources into a program in a piecemeal fashion that may have made logical sense at the time, but is not necessarily based on the highest standards of service or evidence-based practice.

Commissioner Powell noted that the basic question is not whether to continue the Young Mothers' program, but whether to revise or rescind the existing *Day Care* policy.

Commissioner White stated that he does not see the need for the District to provide child care in secondary schools, noting that the situation has changed dramatically from the time the *Day Care* policy was first adopted. He proposed rescinding the policy because it has not been enforced for years and there is little evidence to support the need for it, based on the survey data. Mr. MacGowan cautioned against drawing conclusions about the demand for in-school day care from the survey results due to the very small sample size.

Commissioner Adams commented that beyond rescinding the *Day Care* policy, the Board could explore other opportunities for supporting parenting students, such as County child care subsidies and the Nurse-Family Partnership program.

Action Item: Mr. MacGowan will discuss student participation and referral to the Nurse-Family Partnership Program with Erin Graupman, Director of Student Health Services.

Commissioner Adams also suggested exploring options for the District to create a vocational career path for child care workers, with an on-site model child care center. She recommended that this program be offered at one of the larger secondary schools to avoid the problem of limited course offerings for parenting students.

Commissioner Powell stated that the proposed vocational program would have to lead to a certificate from the Child Care Council to qualify as a career and technical educational program. She noted that locating a child care center in a large secondary school may also better meet the needs of parenting students than the current Young Mothers' program.

Dr. Hooper noted that the former principal of School No. 19, Eva Thomas, collaborated with a child care agency to come into the school to provide afterschool care. She stated that this type of arrangement would require an area within the school that meets NYS child care regulations, which are numerous and quite stringent. Dr. Hooper stated that this type of collaborative arrangement would be preferable to the District providing child care because of the legal requirements and costs involved. Instead of being the child care provider, the District would rely on the experience and expertise of an established provider to come into the school.

Commissioner Adams pointed out that there are a number of family-operated day care centers in her neighborhood that provide transportation to PreK or school. She suggested developing partnerships between neighborhood child care providers, the school, and the Child Care Council to increase the ability of providers to transport children to school at a relatively low cost. Commissioner Adams noted that this type of collaboration would significantly benefit District families and promote quality child care with continued support and education from the school. A similar model could be developed to assist parenting students who are attending a large secondary school.

Commissioner Powell stated that she will support the Policy Committee's decision regarding the *Day Care* policy to the full Board, adding that she cannot countenance having a policy on the books that is not being followed.

Commissioner Adams suggested that the resolution to rescind the policy include other avenues that will be pursued to support parenting students:

- Discuss child care subsidies with the County and advocate for giving priority to parenting students in awarding subsidies;
- Identify child care as a critical aspect of the services offered by a community school and encourage the use of community school funding to support child care services for parenting students;
- Encourage collaboration with neighborhood child care providers to promote quality care and to facilitate learning about child development for young parents.

Commissioner White noted that this issue can be referred to other Board committees for advocacy and/or further action, such as inclusion in the Legislative Agenda by the Community & Intergovernmental Relations Committee, or discussion in regular meetings between the District, City and County.

Action Item: Board staff member Debra Flanagan will draft a resolution to rescind the *Day Care* policy, with particular attention to the rationale for the rescission and other actions to be taken to support parenting students.

V. Review of Proposed Revisions to *Preschool Education Programs* Policy (4320.5)

Commissioner Powell recalled that General Counsel had requested an opportunity to review the revisions recommended to the *Preschool Education Programs* policy in the August 15th Policy Committee Meeting. She asked about any changes or recommendations provided by Mr. Kristoff with respect to this policy proposal. Mr. Carling replied that Mr. Kristoff has approved of the policy changes that have been proposed.

Motion by Commissioner Adams to approve the proposed amendments to the *Preschool Education Programs* policy. **Adopted 2-0.**

VI. Review New Proposed *Student Harassment and Bullying Prevention and Intervention* policy (0115)

Ms. Flanagan recalled that the members of the Policy Committee discussed concerns regarding the data and reporting requirements contained in the proposed *Student Harassment and Bullying Prevention and Intervention* policy in the last meeting. Specifically, Committee members expressed a preference for monthly reports to be provided to the Board and concerns were raised about the data capabilities in capturing all incidents of student bullying, rather than only those resulting in student suspension. Ms. Flanagan reported meeting with General Counsel Karl Kristoff to discuss these issues, although the current information system does not have the ability to capture incidents of student harassment/bullying that do **not** result in suspension. Mr. Kristoff presented these concerns to the Cabinet, and a compromise was proposed to provide quarterly reports to the Board.

Mr. Carling noted that there was some testimony in the last Policy Committee meeting that the planned system upgrades will facilitate capturing data regarding student harassment/bullying that does not necessarily result in suspension. The system upgrades are to be completed in January 2018.

Committee members discussed the language to be included in the resolution to adopt the *Student Harassment and Bullying Prevention and Intervention* policy, specifically in directing the Superintendent to:

- Design a Student Harassment & Bullying Prevention and Intervention program based on the data;
- Establish a system for monitoring student harassment and bullying; and
- Provide quarterly reports to the Board consequent to improved data collection from information technology system enhancements, which will include data regarding all student harassment and bullying incidents – not only those resulting in suspension.

Commissioner Powell observed that the planned IT system upgrades will be completed before the end of the 3-month timeframe needed for the Board to adopt the policy, so it may not be necessary to include all of these stipulations in the resolution.

Commissioner Adams pointed out that the enhanced monitoring and data collection efforts are not solely dependent upon system upgrades, but also on increased awareness and reporting by school staff.

Mr. Carling suggested including the following language from the proposed policy in the resolution to address these concerns: “The specific mechanism(s) for developing a student harassment and bullying prevention and intervention program and for monitoring student harassment and bullying in the District will be considered by the Executive Cabinet.” He added that this sentence should be removed from the proposed policy.

Action Item: Ms. Flanagan will draft a resolution regarding adoption of the proposed *Student Harassment and Bullying Prevention and Intervention* policy that includes the following language: “The specific mechanism(s) for developing a student harassment and bullying prevention and intervention program and for monitoring student harassment and bullying in the District will be considered by the Executive Cabinet.”

Motion by Commissioner Adams to approve the proposed *Student Harassment and Bullying Prevention and Intervention* policy. **Adopted 2-0.**

VII. Review Input from District-wide Wellness Task Force regarding Proposed Changes to the Wellness Policy (5405)

Ms. Flanagan stated that the co-chairs of the Wellness Task Force were planning to convene a meeting to review and discuss the draft changes proposed to the *Wellness* policy. She reported that she does not know the timeframe for this meeting, and has not yet received feedback from the Wellness Task Force about the policy proposal.

Commissioner Powell suggested allowing more time for the members of the Wellness Task Force to provide input into the policy proposal, which will be reviewed in the December Policy Committee meeting.

VIII. Review New Proposed *Field Trips and Excursions* Policy

Mr. Carling reported that the draft *Field Trips and Excursions* policy is consistent with the existing Superintendent regulation and with sample policies from the New York State School Boards Association. He pointed out that the proposed policy establishes some criteria for approving field trips, with Board approval required for international travel to reflect the mandate in NYS law.

Motion by Commissioner Adams to approve the proposed *Field Trips and Excursions* policy. **Adopted 2-0.**

IX. Discuss Title I Complaint Process and Potential Need for Revisions to *Parent & Family Engagement Policy* (1900)

Noting that General Counsel Karl Kristoff has requested additional time to work on this agenda item, Mr. Carling requested that it be postponed for an upcoming meeting.

Commissioner Powell concurred with postponing the discussion of the Title I complaint process and the possible need for revisions to the *Parent & Family Engagement Policy* to an upcoming Policy Committee meeting.

X. Review of Proposed Revisions to the *Code of Conduct* (1400) based on NYSSBA Policy Recommendations

Given the length of the *Code of Conduct* and its significance to the District's efforts to reform student discipline approaches and school climate, Commissioner Powell suggested conducting a meeting in November dedicated to review of the proposed policy changes.

XI. Involving District Ombudsman in Policy Development Process

Ms. Flanagan stated that she had proposed that the District Ombudsman be involved in the policy development process, since this staff person is responsible for the ultimate resolution of problems experienced by District parents, students, and families. She explained that the Ombudsman is in a unique position to identify trends/patterns in terms of problems/barriers encountered by District families, and their input in the policy development process would be valuable to help mitigate these barriers. Ms. Flanagan pointed out that the Ombudsman also relies heavily on Board policies and Superintendent regulations for guidance in resolving problems, so this staff person must be kept abreast of all proposed changes being considered.

Mr. Carling stated that this proposal was reviewed by the Cabinet, which concurred with the importance of the Ombudsman having input into policy development. He added that the Ombudsman will provide

comments and recommendations to the General Counsel, who will notify the members of the Policy Committee.

Meeting adjourned at 8:27PM.